

FILED
 UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS
 IN CLERKS OFFICE

UNITED STATES OF AMERICA) 2004 JUN -2 P 3:42
)
 v.) U.S. DISTRICT COURT
) CRIMINAL NO. 04-10112-RGS
 1. JUSTIN TEAL,)
)
 2. KARL THOMPSON,)
)
 3. ABLOLOM WOLDESLASSIE,)
 a/k/a "BREEZE;" and)
)
 4. ROLAND WORRELL,)
)
 Defendants.)

GOVERNMENT'S MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT

Comes now the United States of America, through the undersigned counsel, and files the Government's Motion to Exclude Time Under the Speedy Trial Act as to the periods from April 20, 2004 through May 18, 2004 and from June 1, 2004 through August 9, 2004. In support of its motion, the government states as follows:

1. On April 20, 2004, defendant Roland Worrell was arraigned on the indictment in the above-captioned matter. Pursuant to Local Rule 112.2(A)(2), the ensuing twenty-eight (28) days are excludable delay for purposes of the Speedy Trial Act.

2. On June 1, 2004, Chief Magistrate Judge Bowler held an Initial Status Conference for defendant Roland Worrell. At that time, the parties advised the Court that Roland Worrell was expected to plead guilty to the charges against him in an indictment in which he is the only defendant (Criminal No. 03-10382-WGY); that a pre-plea Presentence Report ("PSR") is being

prepared in connection with that anticipated plea; that the PSR and Worrell's anticipated plea are expected to cover not only the offense conduct in that case but also the offense conduct in the above-captioned matter and in another related indictment (United States v. Darren Franklin and Roland Worrell, Criminal No. 04-10117-RWZ); and that the parties anticipate that the indictments in the latter case and in the above-captioned matter will be dismissed when Roland Worrell is sentenced on all of the relevant conduct.

3. In light of the foregoing, Worrell through counsel requested that a Final Status Conference be scheduled for August 9, 2004 and agreed that the period of time from June 1 through and including August 9, 2004 is excludable for purposes of the Speedy Trial Act. Accordingly, the period of time from June 1, 2004 through August 9, 2004 is excludable pursuant to 18 U.S.C. § 3161(h)(8)(A) on the grounds that the interests of justice outweigh the best interests of the public and the defendant in a speedy trial.

4. It is well-settled that the "exclusion of time attributable to one defendant is applicable for all codefendants for speedy trial purposes." United States v. Barnes, 159 F.3d 4, 10 (1st Cir. 1998); United States v. Santiago-Becerril, 130 F.3d 11, 19 (1st Cir. 1997).

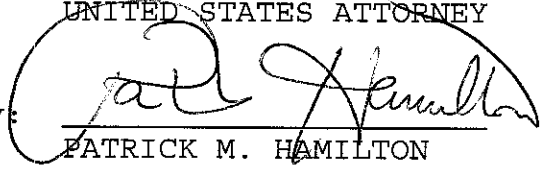
5. Based on the foregoing, the government respectfully submits that an order of excludable delay should issue pursuant to

Local Rule 112.2(A)(2) and 18 U.S.C. § 3161(h)(8)(A) as to all defendants for the periods from April 20, 2004 through and including May 18, 2004 and from June 1 through August 9, 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

By:

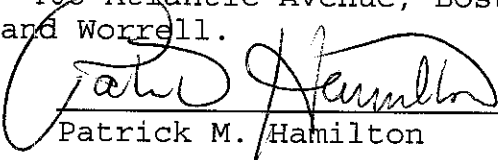

PATRICK M. HAMILTON
Assistant U.S. Attorney
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Date: June 2, 2004

CERTIFICATE OF SERVICE

I, Patrick M. Hamilton, do hereby certify that a copy of the foregoing was served by first-class mail upon James N. Greenberg, Esq., Howe and Bainbridge Building, 220 Commercial Street, Boston, MA 02109, counsel for defendant Justin Teal; Michael Andrews, Esq., 21 Custom House, Boston, MA 02110, counsel for defendant Karl Thompson; Randolph Gioia, Esq., 24 School Street, Boston, MA 02108, counsel for defendant Ablolom Woldelessie; and Catherine K. Byrne, Esq., Federal Defender's Office, 408 Atlantic Avenue, Boston, MA 02110, counsel for defendant Roland Worrell.

Date: June 2, 2004


Patrick M. Hamilton